



CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479

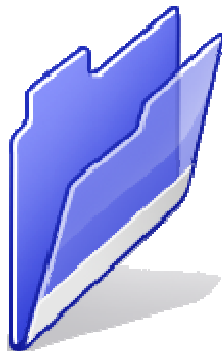
GENERAL INFORMATION: 408-586-3000, www.ci.milpitas.ca.gov

05/02/2017

Agenda Item No. 1L



ATTACHMENT RELATED TO AGENDA ITEM AFTER AGENDA PACKET DISTRIBUTION





May 1, 2017

The Honorable Mayor Rich Tran
City of Milpitas
455 East Calaveras Boulevard
Milpitas, CA 95035

SENT VIA EMAIL

Re: May 2, 2017 Milpitas City Council Regular Meeting Agenda Item 1 - Prohibiting the use of Polystyrene Food Service Ware

Dear Mayor Tran and Members of the City Council,

The California Restaurant Association (CRA) is the definitive voice of the food service industry in California and is the oldest restaurant trade association in the nation. On behalf of our restaurant members within Union City, I respectfully submit this letter to share with you our concerns over the prohibition of polystyrene food service packaging.

Polystyrene foam containers are among the most efficient for keeping foods fresh, free of leaks and spills, and most importantly keeping the food and beverages hot or cold. Improper storage of food and beverages can cause food to spoil due to an increase or decrease in temperature which highly increases the chances of foodborne illnesses. Therefore, it is standard practice for ice cream, frozen yogurt and smoothie shops, amongst others, to use the foam packaging. In addition, many independently operated ethnic restaurants find the product to be the best functionally for their hot soups and sauce-based dishes.

For a segment of the economy which is characterized by razor thin profit margins of around 4% on the dollar in a good economy, cost always must be a consideration of a product in addition to the functional value. Schools, hospitals, nursing homes, non-profit food programs, delis, and family-owned restaurants are among the many institutions that rely upon polystyrene foam for its excellent insulation at an economical price. Alternative packaging materials are often as high as 2-3 times more expensive and do not hold the food temperatures efficiently. Many restaurants still choose to use the product because of its functional value being the best match for the type of food offered and it costs significantly less. Cost differences are felt differently by different sizes, types, and locations of restaurants and therefore have a differing impact on the local restaurant community.

We share the on-going concern over litter and routinely partner on litter abatement efforts at the state and local levels. Marine debris is a serious issue, however the discriminatory approach of selecting and eliminating a given type of food service product is an ineffective approach.

When litter reduction occurs on streets within our community, the amount of material that flows through storm drains, rivers, and ultimately to the ocean is also reduced. Comprehensive

efforts should be aimed at reducing ALL composition of litter, not solely individual products for a single industry. This will allow an overall volume of material reaching the marine environment to be reduced.

For instance, the City and County of San Francisco banned polystyrene containers in 2008 and according to a litter re-audit conducted for the City/County, paper cup and plate litter only increased after the ban was enacted. Bans may change the composition of litter, but they do not reduce the amount of litter as those who litter do not discriminate between materials.

Furthermore, in a December 2014 Final Staff Report to the State Water Resources Control Board regarding the amendments to the Water Quality Control Plans for the Ocean Water of California to Control Trash, the following was stated:

“Any such ordinance likely would not involve a product ban. Contrary to ordinances or laws that prohibit distribution of plastic carry-out bags, which are typically accompanied with requirements and/or incentives to utilize reusable bags to avoid a product-substitution effect (such as Senate Bill 270), other types of product bans enacted by ordinance, such as take-out items, are more likely to involve a substitution of the banned item. Mere substitution would not result in reduce trash generation as such product substitution would be discarded in the same manner as the banned item. Any such product ban enacted by ordinance would not reduce trash and would not be an allowable Track 2 compliance method. It is possible that an MS4 permittee adoption of other types of ordinances could include anti-litter laws or bans on smoking that would meet the requirements.”

A more effective approach would be to look at current litter practices within the City and promote more litter educational events, and prevention programs, and clean-up activities, as well as create stricter enforcement and liability on the people who litter. An additional approach is to publicize the ability for the community to participate in recycling polystyrene by utilizing Milpitas' Styrofoam Recycling Drop-off program located at the Newby Island Resource Recovery Park.

It is for these reasons the CRA has a long-standing history of supporting and advocating for packaging mandates that require all food packaging materials to be recyclable or compostable, rather than attempts to ban single products. We look forward to working with you, the Council, and City Staff on this issue and any further issues that affect the restaurant community within Milpitas. If you have any questions, please contact me at jlynam@calrest.org.

Sincerely,

A handwritten signature in cursive script that reads "Jessica Lynam".

Jessica Lynam

Director, Local Government Affairs Bay Area Region